

to foreign documents which have been previously submitted and for which the Examiner alleges there have not been provided sufficient translations and/or abstracts of the subject matter contained within the documents. It is respectfully submitted that this Supplementing Information Disclosure Statement satisfies all applicable requirements of 37 C.F.R. §1.97 and 1.98 with respect to documents and partial English translations thereof or corresponding English-language documents submitted therewith, such that these documents must be fully considered prior to issuance of a U.S. patent based upon the above-identified Reissue application.

The requirement for surrender of the original patent, or a statement as to loss or inaccessibility thereof, on page 2 of the Office Action mailed October 3, 2003, is noted. As indicated previously, the Original Letters Patent for U.S. Patent No. 6,330,755 is enclosed herewith, thereby satisfying this requirement.

The contention by the Examiner that the person who signed the submission establishing ownership Interest "has failed to state his/her capacity to sign for the corporation... and has not been established as being authorized to act on behalf of the assignee", is noted. Enclosed herewith please find a new Consent of Assignee, together with a Statement Under 37 C.F.R. §3.73(b). Note particularly the enclosed Statement, wherein the one signing this Statement, who is the same person signing the Consent of Assignee, indicates that he is authorized to act on behalf of the assignee. In view of the enclosed Consent and enclosed Statement, it is respectfully submitted that Applicants have provided the necessary submission establishing ownership interest and containing a proper empowerment

statement. Accordingly, it is respectfully submitted that the Consent has been provided.

The rejection of claims 1-32 as being based upon a defective Reissue Application Declaration, set forth in the paragraph bridging pages 3 and 4 of the Office Action mailed October 3, 2003, is noted. The basis for the rejection of claims is an alleged defective Reissue Application Declaration, including an alleged incorrect statement of defect in the patent. Specifically, the Examiner contends that the statement of error should be that patentees claimed "more" than they had a right to claim, rather than less than they had right to claim as in the previously submitted Reissue Application Declaration.

In view of this position taken by the Examiner in connection with the previously filed Reissue Application Declaration, and in order to facilitate proceedings without agreeing with allegations made by the Examiner, enclosed please find a Supplemental Reissue Application Declaration stating that patentees claimed "more" than they had a right to claim in patent claim 16. In view of the presently submitted Supplemental Reissue Application Declaration, it is respectfully submitted that alleged defectiveness of the Reissue Application Declaration, and rejection of claims 1-32 in light thereof, is moot.

In view of the foregoing, and particularly in view of the presently submitted documents, it is respectfully submitted that all formal and substantive issues raised by the Examiner in the Office Action mailed October 3, 2003 have been overcome, such that the above-identified Reissue application is in condition for allowance. Accordingly, allowance of all claims in the above-identified Reissue application, passing of the above-identified

application to issue, and issuance of a Reissue Patent based upon the above-identified Reissue application in due course, are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 520.30414R51) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William I. Solomon", with a long horizontal line extending to the right.

William I. Solomon

Registration No. 28,565

ANTONELLI, TERRY, STOUT & KRAUS, LLP

WIS/kmh

Attachments